

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FRANCISCO MANJARREZ,	:	
	:	
Plaintiff,	:	21-cv-1968 (ER) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
BAYARD’S ALE HOUSE et al.,	:	
	:	
Defendant.	:	
	:	
-----X		

ONA T. WANG, United States Magistrate Judge:

Plaintiff brings this action against Bayard’s Ale House et al., (collectively “Defendants”) in accordance with the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”), as well as the New York state and city human rights laws, for alleged unpaid overtime compensation, failure to provide wage notice or wage statements, failure to provide Plaintiff with spread-of-hours payments, and failure to pay Plaintiff for his final four days of employment. (Complaint (“Compl.”) (ECF 1) at 6). After the parties reported that they had reached a settlement, Judge Nathan directed the parties to submit papers for approval under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199. (2d Cir. 2015). The *Cheeks* papers were then referred to me for a report and recommendation¹. (ECF 29, 30). Because the parties’ submission is substantially lacking, I cannot make a recommendation at this time.

¹ This case was reassigned to The Honorable Judge Edgardo Ramos on April 11, 2022.

Plaintiff's counsel's submission is lacking and requires supplementation. The Court notes the following errors:

- Plaintiff's counsel did not submit their calculation of their alleged maximum possible recovery under FLSA and NYLL, including liquidated damages.
- Plaintiff's counsel failed to provide any support for the fees and costs.

The parties are directed to resubmit an amended proposed settlement agreement that cures the deficiencies highlighted herein, by July 15, 2022.

SO ORDERED.

Dated: June 27, 2022
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge